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*Attorneys for LVMPD Defendants***UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

MARY BENSON, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity; and
BRET EMPEY, in his official capacity as a
Sergeant of the Las Vegas Metropolitan Police
Department, and as an individual,

Defendants.

Case No.: 2:19-cv-01949-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(NINTH REQUEST)**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Defendants the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD") and Bret Empey ("Empey") (collectively "LVMPD Defendants"), by and through their counsel of record, Nick D. Crosby Esq., of the law firm of Marquis Aurbach; and Plaintiffs Mary Benson, by and through her counsel of record, Margaret A. McLetchie, Esq., of the law firm of McLetchie Law, and, hereby stipulate and request the Court to extend the discovery deadlines by forty-five (45) days as follows:

I. DISCOVERY CUT-OFF DEADLINES

	Current Deadlines	Proposed Deadlines
Discovery Cut-Off	January 28, 2022	March 14, 2022
Dispositive Motions	February 28, 2022	April 14, 2022
Pre-Trial Order	March 30, 2022	May 16, 2022

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

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The Parties submit that good cause exists for the extension requested and that this Stipulation is made in good faith, not for purposes of delay. The Parties had worked hard to and hoped to complete discovery by the applicable deadlines. They have been diligently engaged in written discovery and coordinating depositions. The depositions of LVMPD Rule 30(b)(6) witness(es), Defendant Empey, Plaintiff Benson and expert Thomas Carroll were all noticed, however, due to unforeseen events and scheduling conflicts, all of these depositions will need to be reset due to unforeseen circumstances. Specifically, counsel for Plaintiff tested positive for COVID-19 earlier in January and was quite ill (and counsel is still recovering from fatigue), which impacted the Parties' ability to schedule depositions. A second attorney at Plaintiff's counsel's firm also tested positive and was ill with COVID-19. Further, Plaintiff was required to leave the jurisdiction to care for a loved one during the time her deposition was originally scheduled, which was January 27, 2022. Plaintiff is not able to return to the jurisdiction until February 5, 2022. Defendants originally scheduled the deposition of Plaintiff's expert, Thomas Carroll for January 27, 2022, but that date was not available for Plaintiff's counsel due to the issues identified. Further, the Parties are meeting and conferring to resolve a discovery dispute raised by the Plaintiff, and LVMPD Defendants needed additional time to respond to remaining discovery requests. Counsel for the Parties have been in constant communication regarding rescheduling the depositions and tentatively blocked out March 10 and 11 for depositions, and Plaintiff's deposition is slated for February 17, 2022. The Parties are working together and are confident these depositions will be completed within the time frame sought in the instant Stipulation.

Pursuant to Local Rule 26-4, a stipulation to extend a deadline set forth in a discovery plan must be submitted to the Court not later than 21 days before the expiration of the subject deadline, and that a request made within 21 days must be supported by a showing of good cause. The Parties acknowledge that this is their ninth request and they had represented that they would not seek an extension of dates absent extraordinary circumstances. However,

1 unanticipated and extraordinary circumstances have arisen which necessitated the need for the
2 instant stipulation.

3 **A. DISCOVERY COMPLETED**

4 The following discovery has been completed to date:

- 5 1. The Parties have exchanged their FRCP 26.1 Production of Documents
6 and Witness List;
- 7 2. Plaintiff has responded to LVMPD Defendants' written discovery
8 requests; and
- 9 3. LVMPD Defendants have responded to Plaintiff's first set of requests
10 for the production of documents and first set of interrogatories, and are in the
11 process of responding to Plaintiff's second set of requests for the production
12 of documents (due February 5, 2022 by agreement).

13 **B. DISCOVERY REMAINING**

14 The Parties agree that the following discovery and related work must be completed:

- 15 1. Meeting and conferring regarding LVMPD Defendants' responses to
16 discovery to date;
- 17 2. Responses to second set of requests for production of documents;
- 18 3. The deposition of Plaintiff (currently set for 2/17/22);
- 19 4. The deposition of Defendant Empey;
- 20 5. The deposition of the Fed. R. Civ. P. 30(b)(6) witness(es) for LVMPD
21 and
- 22 6. The deposition of expert Thomas Carroll, PhD.

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1 **III. CONCLUSION**

2 Based on the above, the Parties respectfully request that this Court extend the current
3 deadlines by forty-five (45) days in order to allow the Parties adequate time to complete
4 discovery, conduct depositions and resolve any discovery issues.

5 Dated this 28th day of January, 2022.

Dated this 28th day of January, 2022.

6 **MARQUIS AURBACH**

MCLETCHIE LAW

7 By: /s/ Nick D. Crosby, Esq.

By: /s/ Margaret A. McLetchie, Esq.

8 Nick D. Crosby, Esq.

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11 *Attorneys for LVMPD Defendants*

Attorneys for Plaintiff

LVMPD Defendants

12 **ORDER**

13 IT IS SO ORDERED:

14 

15 UNITED STATES ~~DISTRICT~~ JUDGE
MAGISTRATE

16 DATED: 1-31-2022

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